

## REMARKS

Claims 1-16 are pending in the present application. Paragraph 1 of the office action rejects claims 1 -16 under 35 USC 112, 1<sup>st</sup> paragraph as failing to comply with the written description requirement. Paragraph 2 of the office action rejects claims 1 - 16 under 35 USC 112, 2<sup>nd</sup> paragraph as being indefinite. Paragraph 4 of the office action rejects claims 1, 4, 5, 7, 8, 9, 12, 13, 15 and 16 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 2,691,316 to *Brame* in view of U.S. Published Application No. 2004/0035257 to *Tuan-Mu*. Paragraph 5 of the office action rejects claims 2, 6, 10 and 14 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 2,691,316 to *Brame* in view of U.S. Published Application No. 2004/0035257 to *Tuan-Mu* and U.S. Patent No. 4,337,860 to *Carrigan*. Paragraph 6 of the office action rejects claims 3 and 11 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 2,691,316 to *Brame* in view of U.S. Published Application No. 2004/0035257 to *Tuan-Mu* and U.S. Patent No. 5,368,164 to *Bennett et al.*

### Rejections under 35 U.S.C. 112, 1<sup>st</sup> and 2<sup>nd</sup> Paragraphs

Applicant has amended the claims to remove the limitation “an elongated one piece forging,” which the office action indicates is the source of the rejection. As such, Applicant respectfully requests that the rejection under 35 USC 112, paragraphs 1 and 2 be withdrawn.

### Rejections under 35 U.S.C. 103(a)

Applicants respectfully traverse the rejection of claims 1, 4, 5, 7, 8, 9, 12, 13, 15 and 16 as being made obvious by *Brame* in view of *Tuan-Mu* since there is no suggestion or motivation to modify the *Brame* wrench to include a drive bar having a fitting disposed at a fixed angle relative to the drive bar as called for in independent claims 1, 4, 9 and 12.

*Brame* discloses a wrench body generally indicated by numeral 5 having an annular head 6 adapted to rotatably receive a ratchet hub 7 and a shank 8 defining a square aperture 9 therethrough. Hub 7 has a central aperture 27 and is formed with a series of teeth which may vary in number depending on the type of nut to be operated on or the nature of the fitting with which it is to be used. Aperture 9 is adapted to receive a pivoting squared end 10 of an extension handle 11. Squared end 10 pivots with respect to handle 11 about an axis transverse to the longitudinal axis of handle 11. In order for the wrench to be of maximum utility, the specification indicates that it should be capable of operating from

various angles of approach. Thus, the pivoting nature of square tang 10 allows the wrench to be operated in restricted areas (col. 1, lns. 13 - 18).

*Tuan-Mu* discloses a ratcheting tool 10 having a head 14 and a handle 12 attached to the head. The head rotatably receives a gear ring 30 and receives a pawl 60 that is in operative engagement with the gear ring. A housing 78 disposed in the head receives a spring 100 that is in operative engagement with the pawl so that rotation of the lever causes the pawl to move between a first position and a second position. A socket 118, including a socket portion 120 and a post 122, may be inserted into gear ring 30. Post 122 is beveled at an upper surface 130 to facilitate its insertion into the center hole of gear ring 130.

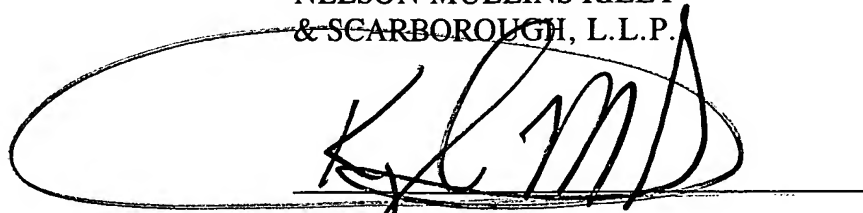
Neither *Brame* nor *Tuan-Mu* teaches or discloses a drive bar having a fitting that is disposed at a fixed angle relative to the drive bar. Instead, *Brame* teaches that the fitting should be pivotal with respect to the drive bar to allow for various angles of approach. *Tuan-Mu* fails to teach or disclose any type of drive bar. Therefore, *Tuan-Mu* fails to remedy the deficiencies found in *Brame*.

#### CONCLUSION

For at least the reason stated above, Applicants believe that claims 1-16 are not obvious in view of the cited art and are in condition for allowance. Favorable action by the Examiner and withdrawal of the cited rejections is respectfully requested. The Examiner is invited to call the undersigned in an effort to discuss and resolve any remaining issues. Please charge any additional fees or credit any overpayment to Deposit Account No. 50-1196.

Respectfully submitted,

NELSON MULLINS RILEY  
& SCARBOROUGH, L.L.P.

A large, stylized handwritten signature in black ink, appearing to read 'K. M. Globerman', is written over a horizontal line.

Kyle M. Globerman  
Registration No. 46,730  
1320 Main Street  
Columbia, SC 29201  
Office: (404) 817-6204  
Fax: (803) 255-9831